

REMARKS

Please note the fact that November 24, 2007, fell on a Saturday ensures that this paper is timely filed as of today, Monday, November 26, 2007 (the next succeeding day which is not a Saturday or Sunday).

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

It should be noted amendments made herein are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution, and that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Preliminary Matters

Applicants acknowledge the outstanding Office Action asserts the presence of various trademarks in the application. Applicants believe any use of trademarks in the present application respects the proprietary nature of any marks and do not believe any changes thereto are required. In order to expedite prosecution of the application, however, Applicants have amended certain paragraphs of the specification as suggested by the Examiner.

The Rejections

Claims 1-41 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 21, and 41 are independent claims; the remaining claims are dependent claims. Claims 1, 2, 4-8, 11, 16-22, 24-28, 31 and 36-41 stand rejected under 35 USC § 102(b) as being anticipated by Taylor (U.S. Patent No. 5,721,824). Claims 3, 9 10, 23, 29 and 30 stand rejected under 35 USC § 103(a) as being obvious over Taylor in view of Cockx et al. (U.S. Patent No. 6,952,825). Claims 12-15 and 32-35 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of O'Toole et al. (U.S. Patent No. 6,345,294). Reconsideration and withdrawal of these rejections is respectfully requested.

The Section 102(b) Rejections

Claims 1, 2, 4-8, 11, 16-22, 24-28, 31 and 36-41 stand rejected under 35 USC § 102(b) as being anticipated by Taylor (U.S. Patent No. 5,721,824).

The remarks about Taylor in the previous amendment are equally applicable here, and are incorporated by reference. Applicants, however, submit the following remarks in an effort to focus the Examiner on the distinction between Taylor and the present invention. **After reading these remarks, should the Examiner not agree the present application is in condition for immediate allowance, the Examiner is requested to contact the undersigned by telephone prior to the issuance of a further action.**

As Applicant argued in the previous Amendment, "Taylor. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not

disclose 'determining existing relationship descriptions between components of [a] **distributed** system'. At best, Taylor appears to merely teach determining the dominant/dependant packages within a multi-package software distribution pack." (emphasis in original) In the outstanding Office Action, the Office responded by stating "Examiner disagrees. Taylor clearly discloses determining existing relationship descriptions between components of the distributed system (*see Column 1: 7-11 'This invention relates to installing software products, herein referred to as software packages or packages, on computing systems either in a distributed processing computing system having a server and multiple clients ...'; Column 4: 52-59, 'A primary package may have secondary packages on which it is dependent. A primary package may also be dependent from another primary package. Thus a primary package may be primary in one installation and secondary in another installation.'*)" The Examiner's response, however, merely parrots language from the reference and does not appreciate the distinction between the reference and the present invention.

Taylor relates to installing software packages on a single machine. While the machine on which the software is to be installed may be a single system within a distributed system, Taylor does not teach considering the dependencies between installations on a plurality of machines within a distributed system as in the present invention. As discussed in the specification, an example includes changing the schema of a database table in a running application. An application on a single machine within the distributed system must be recompiled if it uses a database table (whose schema is to change) maintained on a second single machine in the distributed system. (Page 9, lines 5-10) While Taylor may teach

considering dependencies on a single machine during the install process, Taylor does not teach updating a program on a second machine because of the dependency. Such cross-machine dependencies often occur in implementing changes for hardware, software, network and storage systems in **large-scale** eBusiness environments. (Page 1, lines 9-10; emphasis added)

Independent Claim 1 as currently written states "[a] method of determining an allowable order of changes in a distributed system, the method comprising ... **determining existing relationship descriptions between components of the distributed system**".

(emphasis added) Similar language appears in the other independent claims. Taylor falls short of the present invention (as defined by the independent claims) in that, *inter alia*, it is only concerned with relationships on a single machine, not between components of a distributed system.

The Section 103(a) Rejections

Claims 3, 9, 10, 23, 29 and 30 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of Cockx et al. Claims 12-15 and 32-35 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of O'Toole et al. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

Neither Cockx nor O'Toole overcome the deficiencies of Taylor as discussed above. A 35 USC 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually

combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

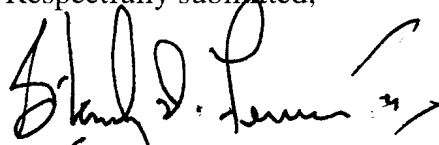
Conclusion

In view of the foregoing, it is respectfully submitted that Independent Claims 1, 21, and 41 are in condition for allowance. By virtue of dependence from what are believed to be allowable Independent Claims 1, 21 and 41, it is respectfully submitted that Claims 2-20 and 22-40 are also presently allowable. Notice to the effect is hereby earnestly solicited. In summary, it is respectfully submitted that the instant application, including Claims 1-41, is presently in condition for allowance.

Request for Telephone Interview

As noted above, in the event the Examiner does not agree the claims are immediately allowable, Applicants request the courtesy of a telephone interview before the issuance of a further action.

Respectfully submitted,



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